

5 layer of hydrous polymer gel to be cut at the nip, with respect to a crown of the back-up roll, whereby said at least one cutting edge cooperates with said back-up roll to cut the layer of hydrous polymer gel at the nip.

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claim 28 has been amended to recite that the cutting roll is mounted upstream with respect to the crown of the back-up roll, as viewed in the conveying direction of the layer of hydrous polymer gel to be cut at the nip. Basis for this can be found in the figures. The advantage of this arrangement is that the gel layer being cut is supported by the back-up roller throughout the cutting operation, and so is less likely to tear before cutting is completed.

Claim 28 stands rejected under 35 U.S.C. § 102 as being anticipated by the newly cited U.S. patent to Wilson. However, this is respectfully traversed.

Wilson is directed to a sod harvesting and severing device in which sod is delivered by an elevator conveying system 30 to a sod cutter 100 (Figure 2) having a cutting drum 102 and a back-up roll 78. The cut sod is then delivered to a conveyor 116 for storage. However, as is evident from Figure 2 of the reference, the back-up roller 78 is positioned upstream of the cutting drum 102. Therefore, the smallest distance between the cutting drum 102 and the back-up roller is located downstream of the crown of the back-up roll, as viewed in the conveying direction of the sod, i.e., the opposite of what is claimed. As already mentioned, this has the disadvantage that sod is not fully supported by the back-up roll during the cutting operation, and is more likely to tear. Amended Claim 28 is therefore believed to clearly define over this reference.

Claim 29 depends from Claim 28 and is therefore also believed to define over Wilson.

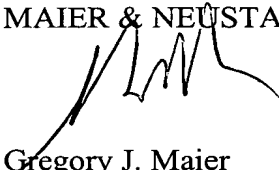
Since generic Claim 28 is believed to define over the prior art, it is respectfully requested that all of the claims be included in any patent issuing from the present application.

Concerning the rejection under 35 U.S.C. § 112, Claim 28 has been amended to recite "a crown" of the back-up roll. Concerning the "smallest distance," those skilled in the art would clearly understand that the smallest distance between any two points is a straight line connecting the points. Therefore, the "smallest distance" limitation is not a relative term whose meaning would be unclear to those skilled in the art.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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6272-017-3



Marked-Up Copy
Serial No: <u>08/650,709</u>
Amendment Filed on: <u>7-22-02</u>

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JUL 25 2002
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IN THE CLAIMS

Please amend the claims as follows:

--28. (Amended) A device for processing hydrous polymer gel of variable thickness, comprising:

a first cutting roll having at least one axially extending cross cutting element including a cutting edge; and

a back-up roll spaced from said cutting roll so as to form a nip,

said first cutting roll being mounted above the longitudinal axis of said back-up roll such that a smallest distance between said cutting edge of the at least one cross cutting element and said back-up roll is situated below, and upstream in a conveying direction of a layer of hydrous polymer gel to be cut at the nip, with respect to a [the] crown of the back-up roll, whereby said at least one cutting edge cooperates with said back-up roll to cut [a] the layer of hydrous polymer gel at the nip.--